



# INDUSTRIAL LUMINARY, FRIDAY, FEBRUARY 2, 1855.

## INDUSTRIAL LUMINARY, PARKVILLE:

FRIDAY, FEB. 2, 1855.

V. R. PALMER, the American Newspaper Agent, is the only authorized Agent for this paper in the Cities of Boston, New York, and Philadelphia, and is duly empowered to take advertisements and subscriptions at the rates required by us. His Agent is also regarded as payment. Mississ. and other Boards. See our page, New York, Tribune Building, Philadelphia, &c. W. C. T. and Chestnut Street.

W. S. SWYMER, General Newspaper and Advertising Agent, No. 11 Second Street, opposite the Post Office, St. Louis, Mo., is the regular Agent for this paper.

### Cook-stoves.

TWO PREMIER Cook Stoves, for sale cheap. Inquire at this office.

### Gov. Reeder on Pre-Emption Rights.

We have crowded out several articles, to make room in this No. for Gov. Reeder's excellent letter on Pre-emption, published in the Kansas Herald. His Excellency takes the right ground,—his views are common sense ones, and in perfect accordance with law and frontier precedent. Let every person read it.

SHAWNEE MINING,  
Jas. 22, 1855.

B. H. THOMAS, Esq.  
Dear Sir.—Yours of the 19th is received, making some inquiries as to the subject matter of my letter to J. S. Enney, Esq. under date of the 28<sup>th</sup> Dec. That letter was written with little care, in great haste, and was only intended to state conclusively without the process of deducing them, and as it has excited more interest and attention than I at all anticipated, I gladly avail myself of the opportunity to state with more precision and fulness the opinions contained in it, and at the same time give the reasons on which those opinions are based, and in doing so shall necessarily answer your inquiry.

Without discussing the law of pre-emption generally I shall confine myself to the question of unassured lands in this Territory, and shall be as brief as the subject will admit. The act of Sept. 4th, 1851, superseding the previous legislation on the subject, and the Act of July 23, 1854, are the only Acts of Congress necessary to an understanding of the point involved. The former provides that citizens of the United States or Declares being either heads of families, widows or single men over twenty-one years of age, who shall make a settlement on pre-empted lands, shall have the same secured to him and shall erect a dwelling house and inhabi and improve the land, shall have a right of pre-emption, &c. With the difficulties arising from previous pre-emption &c, we have nothing to do in this discussion. It also requires that within thirty days after settlement he shall file with the Register his description and claim, and within twelve months shall make certain affidavits and enter and pay for the land and provides that when two or more persons shall settle on the same quarter section, the first entered shall have the whole.

The act of July 23, 1854, provides that the lands to which the Indians Title is or shall be extinguished in the Territories of Kansas and Nebraska shall be subject to the operation of the Act of 1851.

This language alone without anything more extended the pre-emption system to our unassured land for the following reason. None of our lands at the date of this act were surveyed. One of the cardinal rules of law for the construction of States is that they shall not be so constructed as to make them nugatory or unnecessary; and when any proposed construction brings us to a standstill, it is manifestly illogical by which we may know that the construction is erroneous, for we are not to charge upon a Legislature the folly of passing laws which have no purpose or meaning. Now if the act of 1854 is only to apply to the surveyed lands of our Territories, it is no more effect than a blank paper; for the set of 1851 being generally applicable to all the public lands wheresoever situated: did not the act of 1854 to extend it to this Territory, and we should thus charge upon Congress that they gravely and seriously enacted a Statute which had not a practical effect, and which only left the law as it had been.

Again, the act of 1851 required that the land which may be pre-empted shall have two properties, to wit: That the Indian title shall be extinguished and that it shall be surveyed. The act of 1854, provides that all the land to which the Indian title is extinguished shall be subject to, but is silent as to the survey. Here we are met by another rule of construction conveyed in the well known law maxin, "Unius expressio alterius est exclusio." The mention of both in an exclusion of the other. We are driven, therefore, to read this act as applicable to all the lands to which the Indian title is extinguished, provided, whether surveyed or not.

Thus, in every case, every rule of construction and arrangement has its obvious meaning and purpose of the law.

But to preclude all doubt, the set has this provision, "that where unassured lands are claimed by pre-emption notice of the specific tract claimed shall be filed within three months after survey made in the field, &c." Thus clearly recognizing the construction I have intended for, legalizing a settlement before survey, and requiring the filing of a claim and description after survey. Here then we have one point established—that a man may commence his pre-emption on unassured lands.

Let us follow up the argument. Pre-emption may be correctly defined to be, the right of purchase before others. Under the law, however, this term does not mean a right not resulting from a single act of the Government or the settler, but gradually maturing through successive steps or stages, so as personal settlement—creating a dwelling-house—occupying the land—official survey—filing claim and description—making and filing the necessary affidavits—entry in the Register's Office—payment of the purchase money under which the act of 1854, must be before the first day of sale and granting the patent. Some of these are to be done by the settler, and others by the Government. The Government has covenanted and agreed through the solemn instrument of an act of Congress that they will perform the portion of the duty. If the settler will perform his, and if the latter, then so perform the duty prescribed by the law; then the officers of the Government have no

choice but to complete the title to him. No man can step in between the pre-emptor and his final right to a patent.

His right, before the granting of the patent, is to the possession of the land, which is familiar to every lawyer. It is not to be commended but not complimented, and may be assimilated to the case of a purchaser who has taken possession under articles of agreement, has paid a part of his purchase money and is waiting for the day to pay the balance and take his deed. The patent though conclusive evidence of the consumption of title is not the only medium by which the settler's rights accrue. The entry and the patent would both be illegal if made in the absence of the preceding steps, for a Register cannot allow an entry, nor a Register cannot allow a patent without the payment of the purchase money and delivery of the title. The purchase money which gives these sets of the validity and force of each of these preceding steps contributes to make up the title. They are all ingredients going to make up the whole. The rights which were vested in the pre-emptor before his last set of payment were contingent and defeasible; it is true, by his own disengagement, but the patent when obtained, proves that the title has fully matured and that he has been in possession from the beginning not as an intruder, but by right. At each step or stage in the acquisition of the title, one alone can claim that the title was acquired at the moment of its perfection, the final completion giving a retrospective extension to the original title related back to its first inception. Indeed this principle is so familiar that had I been writing only for those learned in the law, I should not have entered into this elementary analysis of it.

Here we have two more points established; that a pre-emptor who complies with the requirements of the Acts of Congress cannot be prevented from obtaining his title; and that when finally consummated it relates to its original inception.

If the title is so construed and treated as having the force of the first and best title, and, of course, the one we are to recover for, any trespasses committed at any time after his first personal settlement, and will take as his own without compensation any houses or other improvements which intruders may have placed on his land.

This should teach intruders on the one hand the folly of throwing away their labor, and making themselves subject to suits; and on the other hand should teach rightful and original pre-emptors the folly of going out with axes and revolvers to cut down their neighbors, and drive off men who are kind enough to improve their land. Better far, assist them in the task and encourage them to build another.

Even should the intruder be strong enough to drive off the rightful original settler, the latter may repossess upon the law, and it will not lose his land except by his own negligence. The law declares that it shall go to the first settler, and it will never allow an intruder first by force to prevent him from complying with the act, and afterwards claim the land because he did not comply.

If the title is so construed, and had it been

done for the establishment of post roads and a post office at Lawrence City, Kansas.

On the 10th inst. he presented—

The petition of L. Valdham and others, to protect town locations in Kansas.

The petition of M. Garrett and others, to protect certain Wyandot land claims on Big Blue, Kansas Territory.

The petition of M. Bryant and others, to establish post roads and a post office at Bryant, in Kansas Territory.

The petition of W. P. Richardson and others, to establish a post road and a post office at Whitehead, Kansas Territory.

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On the 11th inst., N. B. Giddings of Nebraska introduced—

A bill to establish post roads in Nebraska Territory.

A bill to protect the proprietors of towns in Nebraska Territory in their town sites.

A bill to provide for the survey and subdivision of the half-breed tract of lands in Nebraska Territory.

All the above bills and petitions were referred to the appropriate Committees.

KANSAS TERRORY.—The Washington correspondent of the N. Y. Evening Post, writes—

Mr. Whitfield, the delegate from Kansas, gives another version of the story of the Atchison family.

The Atchison's title is acknowledged to be valid and probably heavily leated.

The Judge is a very brief

and probably heavily leated, holds that at present he cannot issue an injunction for him in the case of the cutting of timber. He says

"I am not so much concerned with what they propose to do with the timber as with what they propose to do with the land."

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LUMINAR Y.

PARKVILLE, FRIDAY, FEB. 2, '55.

## Temperance Song.

TUNE.—"Nelly Bly."

Neighbors all—great and small—  
Come listen to my song;  
And I'll tell you of "Good Temptation"  
Are coming right along.  
We drink no rum, we drink no gin,  
From brewhouse we abstain,  
For health and wealth and wisdom  
Never follow in their train.

Courts.

O whiskey! O brandy, wine and rum and gin—  
You may be quite good-looking, but we cannot  
let you in.

Whiskey has a husky voice—

Not like a dove's at all—

We hear it from the gutter,

And we hear it in the brawl.

Brandy has a hollow heart,

As you will all agree;

And it wants to steal the hearts away,

From such as you and me.

Courts.—O whiskey! &c.

Whiskey never shuns her eyes—

She never goes to sleep;

She loves to see men fight and swear—

How wives and sisters weep.

See how she walks!—she lifts one foot,

And straightway tumbles down,

Then awful groans and curse's come.

From that part of the laws?

Courts.—O whiskey! &c.

All temples know, and for't go,

That one thing leaves drooping.

The most ill-furnished "Mine Law," which

"Staves" in the barrel heads.

They break all fistic of the glass,

And smash up handsome strong.

To stem the flood of drunken old,

So ends my little song.

Courts.—O whiskey! &c.

On Tuesday morning last, the river at this place was frozen over—and such a gratification as it afforded to the owners of ice-houses. Every team was forthwith put in requisition, and the way the "trades" were worked, it was a creation to people of work nervous. The ice is quite thin—not over 3 inches thick—but the good folks here—were glad to see even that.

The weather has moderated considerably—and will soon be a break up of the frost bridge.

We expect a boat up soon.

Col. F. Barnes has been appointed Postmaster at Parkville, vice Col. A. B. Stoddart resigned. Look here, Col. Barnes—you will take a ten-foot pole, with a nail in the end of it, and stir up the officials at Washington. Tell them we are on a daily mail route, but that on an average we hardly get service twice a week—Letters from St. Louis reach Parkville from 10 to 15 days—from New York in 20 to 25! Great travelling thus, far Uncle Sam's good pay.

The Lexington Express has changed hands. It is henceforth to be published by Messrs. Julian and Smallwood. The new Editors say, the paper "shall continue what it ever has been—especially whig."

The proceedings of the railroad meeting held at Ridgeley last Monday will appear next week.

## COMMERCIAL.

PARKVILLE PRICES CURRENT.

PARKVILLE, Feb. 2, 1855.

Corrected weekly by Aspling, Stevens, & Co., Manufacturers, Producers Dealers and Steamboat Agents.

PRODUCE AND PROVISIONS.

Bulk meat per 100 lbs. \$2.00 to \$6.00

Hams " " 5.00 to \$6.00

Beef " " 4.00 to \$5.00

Bacon " " 3.00 to \$4.00

Lard " " 1.50 to \$2.00

Tallow " " 1.00 to \$1.50

Rides, dried " " 1.00 to \$1.50

do green " " 25 to 35

Wheat " bushel \$1.00 to \$1.50

Corn " " 75c to \$1.00

Flour S. fine " 100 lbs. \$4.00

do fine " " 100 lbs. \$3.00

Feathers " " 35 to 45

Hoover " " 15 to 25

Butter " " 15 to 25

Eggs (dozen) " do 1.00 to 1.25

Chickens " each 40 to 75c

Turkeys " each 40 to 75c

Beans, white " bushel \$1.50 to \$2.00

do green " " 25 to 35

Prunes " " 25 to 35

do common country peat yard 50 to 90

do mixed " " 75c to 1.00

Linen, common " 30 to 50

Yarn socks good " 25 to 40

CRODENS AND LIQUORS.

Coffee, Rio per lb. 15c

do Louisiana " 12c

Tea, English " 50c to \$1.00

Gingerroot " in Imperial \$1.00 to \$1.25

Sugar, N. O. " 6 to 7c

do refined " do 6 to 7c

do crystal " do 6 to 7c

Molasses, S. H. " gallon 125 to 150c

do plantation " do 100c

Whiskey, rounded by bbl. 42 to 60 per gal.

Brandy, domestic per gall. 50c to 60

do N. Y. " " 75c to \$1.00

Wine Misaga, " " 10c to \$1.00

Notice.

The style of

us in business E. K. Stevens.

new Firm is Aspling, Stevens & Co., and

dates from the 1st Jan.

Business will be conducted as heretofore at the old stand.

Enclosed.

ASPLING & STEVENS.

ASPLING, E. K. STEVENS.

ASPLING, STEVENS & CO.

DEALERS IN DRY GOODS & GROCERIES

FORWARDING & COMMISSION MERCHANTS.

CORNER MAIN AND WATER STREETS,

PARKVILLE, MO.

Proprietors of the Parkville Steam Saw Mill.

Lumber constantly on hand.

Notice.

THE undersigned administrator do be-

ing, as son of the estate of John C. Bellier,

deceased, will make application to the State

for term of the Probate of Platte County

any term of the Probate of Platte County

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## LUMINARY.

PARKVILLE, FRIDAY, FEB. 2, '55.

## AGRICULTURAL.

Agricultural College.

A crisis in the Case Girardian Engine (says the Valley Farmer) gives the following views and statements in favor of an Agricultural College in Missouri. His remarks are worthy of all attention. Education, as at present required in any of our schools or seminaries does not make practical men for the farm. We doubt whether Geology, Mineralogy, Chemistry, Natural Philosophy, or even Geometry is so taught in any of our schools as to enable the student to make a practical use of those sciences in the field. Something must be done now for Agriculture. Politics, commerce, and money have all along received full share of attention from our Legislatures. Let it now be done for Agriculture.

"I would say let a farm of 60 or 75 acres open land, with buildings, (and many such have been abandoned by California adventurers,) be purchased; with the improvements that would be made, it would sell for double the cost, or less if one were rented for ten years. Engage a Professor of Agriculture and one of Chemistry and Geology."

"During six months the student would make a crop scientifically, the proceeds of which would pay part of their expenses for board, and the remainder of the farm. When their crop is gathered in, let them shoulder their knapsacks and spend the summer in examining rocks, ores, &c., in the mountainous regions—testing soils for farmers who might desire their labor, and this would furnish some compensation.

EXPENSES.—Two Professors \$2,000—Say 50 students, half of whom are able to sustain themselves; the other 25 allow \$75 each—\$1,875 total. \$4,375. Appropriate \$5,000, and \$625 would be left for apparatus, and this sum might be used in future years for improvements. The cost to the Legislature in ten years would be \$50,000. I think sufficient to satisfy the Legislature of '54 and '55. Now, consider, we have a scientific farmer, chemist or geologist in the State; by the influence of such a college we should have 10,000 agricultural chemists and geologists, able to test soils, apply manures and conduct farms in such a way as to renew our old farms, and enrich the State many millions. Neglect this measure, and we shall make no valuable improvements in agriculture, but go on in the old routine till Missouri is as sterile as many fields in Virginia—till our fertile State is exhausted and ruined."

"What are \$5,000 for the State to appropriate? Suppose the Legislature would not be inclined to appropriate the sum, but it is in multiplying the wealth of the country more than California ever will do. I believe the friends of educated agriculturists would raise the requisite sum if required, provided the State would enter into business, and make the necessary arrangement for such a school.

## Degeneracy of the Potato.

With respect to the potato, nature seems clearly to have made provision for the permanence of her own offspring, as the seed contained in the berry which the plant produces from its stalk; and, consequently, by our endeavoring to perpetuate any particular sort of potato, by continually cutting and planting its tubers, it is reasonably to be expected that we shall injure its general properties and powers, and thus gradually render it less fit for food, and more liable to disease. It will follow that, in order to be certain of obtaining a good crop of potatoes, it is impossible to be the ground before being planted, should he thoroughly pulverized; the manure should be well farmed; the sets should be whole potatoes and never deprived of their first shoots, nor allowed to ferment; and lastly, that a constant succession of new sorts should be raised from the berries of the old ones. The newly raised sorts will doubtless admit of being cut with safety for several years, and would be but little affected by other external injuries, unless peculiarly delicate, as they would possess all the health and vigor of a plant propagated according to nature's laws. By attending to these few suggestions, which experience has shown to be of great value, may, under all ordinary circumstances, of the weather, at all times be secured.—[Translated from the French, for the Am. Agriculturist.]

**THE FAMILY GROCERY.**

## SUMMERS & SHARP,

DEALERS IN

Family Groceries, Confectionaries, Foreign and Domestic Fruits, Liquors, &c.,

MAIN STREET, PARKVILLE.

ESPECIALLY inform the inhabitants of the town and neighborhood that they have a large and first-rate assortment of everything in the Grocery line. The following are some of the articles:

Tuna Oysters Pecans  
Coffee Suger All kinds Mackerel  
Carolina Rice Sardines  
Fine Sopras Tar  
Tobacco Brooms  
Coco Nuts Apples  
Raisins Wines  
Dried Plums Brandy  
Dates Bacon  
Figs Wooden Ware  
Lemons Willow do  
Oranges Meats  
etc. &c. &c.

Product of every Description Bought.  
S. & S. are constantly adding to their stock, and their friends and customers may rely on being supplied with the best that can be procured.

1854. MISSOURI RIVER 1854  
Regular Tuesday Packet.

THE NEW, Fast, and Splendid Passenger Steamer ADMIRAL, Chas. K. Baker, Master, will leave St. Louis on every alternate Tuesday, in place of the J. H. Jackson, and will arrive at New Orleans on the 25th instant.

The Admiral is almost entirely new, having been laid fast last fall, and is expertly fitted up with every modern improvement, and for comfort, safety, and convenience, unsurpassed.

The steamer will be the property of the officers of the Admiral, to whom every arrangement to passengers and shippers that can be desired. All orders from our friends promptly attended to.

CHAS. K. BAKER, Master.

ROBT. A. DAREY &  
STANLEY RYLAND & Clerks.

REGULAR 1854  
Missouri River Packet.

THE well known passenger steamer ISABEL, P. M. Chouteau, Master, will leave St. Louis every alternate Monday, at 5 o'clock, p.m. for Weston, Fort Leavenworth, Franklin, Kansas, Independence, Lawrence, Dover, Waverly, Carrollton, Miami, Brunswick, and all points below.

Commenting on her regular trips from St. Louis to Weston, she will leave St. Louis on Monday, May 1st, 2nd, 3rd, and 4th; June 1st, 2nd, 3rd, and 4th; July 1st, 2nd, 3rd, and 4th; August 1st, 2nd, 3rd, and 4th; September 1st, 2nd, 3rd, and 4th; October 1st, 2nd, 3rd, and 4th; November 1st, 2nd, 3rd, and 4th.

The New Lucy will commence her regular trip leaving St. Louis at Jefferson City, Bonnville, Glasgow, Lexington, Kansas, Franklin, Liberty, Weston, St. Joseph and St. James on Saturday afternoons.

The New Lucy will leave St. Louis on Monday, May 1st, 2nd, 3rd, and 4th; June 1st, 2nd, 3rd, and 4th; July 1st, 2nd, 3rd, and 4th; August 1st, 2nd, 3rd, and 4th; September 1st, 2nd, 3rd, and 4th; October 1st, 2nd, 3rd, and 4th; November 1st, 2nd, 3rd, and 4th.

Departing from Weston Sunday at 2 o'clock, p.m. for Leavenworth at 3 o'clock, p.m. for Weston, Fort Leavenworth, Franklin, Kansas, Independence, Lawrence, Dover, Waverly, Carrollton, Miami, Brunswick, and all points above.

Very grateful to the shippers and public for the liberal patronage and consideration extended to the New Lucy, she will be the property most respectfully solicited the name for the New Lucy, promising that nothing on our part shall be wanting to merit the full confidence and favor of the community.

W.M. CONLEY, Capt.  
LEWIS MORRIS, Clerk.

For freight and passage apply on board.

Jan. 28, '54.

## Administrator's Notice.

NOTICE is hereby given that letters of administration have been granted on the estate of Jas. E. Morris, late of Platte County, Deceased, have been granted to the undersigned by the Probate Court of Platte County, bearing date October 9, 1854.

All persons indebted to said estate are requested to make immediate payment and those having claims against the same are requested to present them for settlement to the administrator of said estate within one year from the date of said letter, or they may be precluded from having any benefit of said estate; if no suit is filed within three years, they shall be forever barred.

A. H. SCOTT,  
Administrator of said estate.

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JOHN F. GRANT, Adm'r.

## Final Settlement.

NOTICE is hereby given that at the next March term of the Platte County Probate Court, I will make application for a final settlement of my administration upon the estate of Levi P. Goodey, deceased.

AUSTIN GOODYE,  
Administrator of said estate.

Jan. 25, '54.

\$150,000!

Dashall & Co.'s National  
GIFT ENTERPRISE

Consumation certain! Seventy thousand  
Tickets already sold!

Only \$0,000 to be disposed of:  
Distribution of Gifts to come off with-  
out fail, March 10, 1855.

Or sooner, if the tickets are all sold—DASHALL  
& CO. here to assure their friends that under no  
circumstances will the distribution be postponed be-  
cause the above-mentioned date, and they hope,  
are worthy of all attention. Education, as  
at present required in any of our schools or  
seminaries does not make practical men for  
the farm. We doubt whether Geology,  
Mineralogy, Chemistry, Natural Philosophy,  
or even Geometry is so taught in any of our  
schools as to enable the student to make a  
practical use of those sciences in the field.  
Something must be done now for Agriculture.  
Politics, commerce, and money have  
all along received full share of attention  
from our Legislatures. Let it now be done  
for Agriculture.

"I would say let a farm of 60 or 75 acres  
open land, with buildings, (and many such  
have been abandoned by California adven-  
turers,) be purchased; with the improvements  
that would be made, it would sell for double  
the cost, or less if one were rented for ten years.  
Engage a Professor of Agriculture and one  
of Chemistry and Geology."

"During six months the student would  
make a crop scientifically, the proceeds of  
which would pay part of their expenses for  
board, and the remainder of the farm.

When their crop is gathered in, let them  
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